

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

THE FINANCIAL MANAGEMENT AND
OVERSIGHT BOARD FOR PUERTO RICO

as representative of

THE COMMONWEALTH OF PUERTO RICO,
et als. 1

Debtor

PROMESA
TITLE III

CASE NO. 17 BK 3283-LTS

(Jointly Administered)

MOTION IN COMPLIANCE WITH SCHEDULING ORDER REGARDING CERTAIN
MOTION TO COMPEL THE PUERTO RICO HIGHWAYS AND
TRANSPORTATION AUTHORITY TO ASSUME OR REJECT
EXECUTORY CONTRACTS

TO THE HONORABLE JUDGE LAURA TAYLOR SWAIN:

NOW COMES creditor TAMRIO, INC. ("TAMRIO"), Constructora Santiago II, Corp. ("Constructora Santiago"), Ferrovial Agroman, S.A. ("FASA"), and Ferrovial Agroman, LLC, ("FALLC") **parties in interest in the PROMESA TITLE III Case No. 17 BK 3567-LTS** represented by the undersigned law office and respectfully sets forth and prays:

1. On or about July 2017, the appearing parties in interest filed with the Clerk of the Court the following motions (each a "Motion" and collectively, the "Motions"):

1 The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

- a) Motion to Compel the Puerto Rico Highways and Transportation Authority to Assume or Reject Executory Contracts filed by Tamrio, Inc. (Case No. 17-B192K-3283, docket entry no. 614; Case No. 17-BK-3566, docket entry no. 167; Case No. 17-BK- 3567, docket entry no. 192);
 - b) Motion to Compel the Puerto Rico Highways and Transportation Authority to Assume or Reject Executory Contracts filed by Constructora Santiago II, Corp. (Case No. 17-BK-3283, docket entry no. 627; Case No. 17-BK-3566, docket entry no. 168; Case No. 17-BK-3567, docket entry no. 194);
 - c) Motion to Compel the Puerto Rico Highways and Transportation Authority to Assume or Reject Executory Contracts filed by Ferrovial Agroman, S.A. (Case No. 17-BK-3283, docket entry no. 685; Case No. 17-BK-3566, docket entry no. 174; Case No. 17-BK-3567, docket entry no. 203); and
 - d) Motion to Compel the Puerto Rico Highways and Transportation Authority to Assume or Reject Executory Contracts filed by Ferrovial Agroman, LLC (Case No. 17-BK-3283, docket entry no. 686; Case No. 17-BK-3566, docket entry no. 175; Case No. 17-bk-3567, docket entry no. 204).
2. The Motions were scheduled to be heard initially on the August 8, 2017 Omnibus hearing.
 3. The legal docket of the cases of reference show that that the Motions have been adjourned on number of occasions.
 4. What the legal docket does not show is that the parties in interest have engaged in settlement negotiations with an active participation of counsels for the Financial Oversight and Management Board of Puerto Rico ("FOMB") and with counsels for the Puerto Rico Highways and Transportation Authority ("HTA").
 5. That in its consequence counsel for the appearing parties and counsel for FOMB and HTA have exchanged countless drafts and counter-drafts for an extrajudicial settlement of the Motions.
 6. That counsel for the appearing parties and counsel for FOMB and HTA have met, negotiated and exchanged countless e-mails for an extrajudicial settlement of the Motions.

7. Unfortunately, as of this date, we have not been able to agree on the final wording of one of the clauses of the settlement agreement that has proven to be a deal breaker.
8. That on March 23, 2018 the Court issued a Scheduling Order Regarding Certain Motions to Compel (docket # 413 in 17 BK 03567-LTS) granting the appearing parties until March 26, 2018 at 5:00 p.m. (AST) to file an opposition to the Court's proposal to enter an order by May 28, 2018 denying the Motions.
9. That in view of the aforementioned facts the appearing parties oppose to the Court's proffer to deny the Motions and instead request that the Motions be scheduled for a hearing at the next available Omnibus hearing date.

NOTICE OF RESPONSE TIME

Pursuant to the provisions of Local Bankruptcy Rule 9013-1(c)(1) within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

WHEREFORE appearing party prays for an Order vacating and setting aside the Scheduling Order Regarding Certain Motions to Compel and in its consequence to schedule the Motions for a hearing at the next available Omnibus hearing.

CERTIFICATE OF ELECTRONIC FILING AND SERVICE

I hereby certify that on even date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: to all attorneys that

have filed their respective notice of appearance and to the Standard Parties as such term is defined in the Court's Order Establishing Case Management Procedures, supra:

- (i) Chambers of the Honorable Laura Taylor Swain (two copies shall be delivered to each chambers listed below):

United States District Court for the District of Puerto Rico
150 Carlos Chardón Street,
Federal Building, Office 150,
San Juan, P.R. 00918-1767

-and-

United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St., Suite No. 3212
New York, New York 10007-1312

- (ii) Office of the United States Trustee for Region 21
Edificio Ochoa, 500 Tanca Street, Suite 301
San Juan, PR 00901-1922

- (iii) Puerto Rico Fiscal Agency and Financial Advisory Authority (AAFAF):

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And I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: to the members of the Creditors' Committee at their postal address of record.

In San Juan, Puerto Rico, on the 26th day of March, 2018.

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